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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,791	07/28/2003	Seiji Tawaraya	TJK/401	5215
27717	7590	12/13/2004	EXAMINER	
SEYFARTH SHAW 55 EAST MONROE STREET SUITE 4200 CHICAGO, IL 60603-5803			SHAH, MANISH S	
			ART UNIT	PAPER NUMBER
			2853	

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/628,791	Applicant(s) TAWARAYA ET AL.	
	Examiner Manish S. Shah	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,8,10,11 and 13-19 is/are rejected.
- 7) ☒ Claim(s) 2,3,7,9 and 12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 5-6 & 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Mirick (# US 3674729).

Mirick discloses a correction ink for micro defect of a color pattern including a coloring agent (see Examples; column: 2, line: 47-60), a monomer (column: 4, line: 45-51), a polymer (column: 2, line: 35-54) and a solvent, wherein an amount of the solvent is from 40 to 60 % by weight (column: 2, line: 1-6; line: 30-40), and viscosity of the ink is from 40 cps to 300 cps (see Examples). They also disclose that ink further including polymerization inhibitor (column: 5, line: 40-60). They also disclose that the carbon black or lamp black may be incorporated as a coloring pigment to match the color of the correction fluid, wherein coloring pigment is iron blue (see Examples).

2. Claims 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Mirick (# US 3674729).

Mirick discloses a color filter, wherein a micro defect in a color pattern is corrected by filling with cured product of correction ink, including a coloring agent (see

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Examples; column: 2, line: 47-60), a monomer (column: 4, line: 45-51), a polymer (column: 2, line: 35-54) and a solvent, wherein an amount of the solvent is from 40 to 60 % by weight (column: 2, line: 1-6; line: 30-40), and viscosity of the ink is from 40 cps to 300 cps (see Examples). They also disclose that ink further including polymerization inhibitor (column: 5, line: 40-60). They also disclose that the carbon black or lamp black may be incorporated as a coloring pigment to match the color of the correction fluid, wherein coloring pigment is iron blue (see Examples).

3. Claims 13-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Mirick (# US 3674729).

Mirick discloses a method for correcting a micro defect in a color pattern, and a process for producing a correction ink for micro defect of a color pattern including a coloring agent (see Examples; column: 2, line: 47-60), a monomer (column: 4, line: 45-51), wherein monomer having a photo curable resin (column: 5, line: 44-56), a polymer (column: 2, line: 35-54) and a solvent, wherein an amount of the solvent is from 40 to 60 % by weight (column: 2, line: 1-6; line: 30-40), and viscosity of the ink is from 40 cps to 300 cps (see Examples). They also disclose that ink further including polymerization inhibitor (column: 5, line: 40-60). They also disclose that coloring agent dispersion mixed with varnish (pine oil) (see Examples). They also disclose that the carbon black or lamp black may be incorporated as a coloring pigment to match the color of the correction fluid, wherein coloring pigment is iron blue (see Examples).

4. Claims 1, 5-6 & 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Sharma et al. (# US 5480920).

Sharma et al. discloses a correction ink for micro defect of a color pattern including a coloring agent (column: 3, line: 40-60; column: 4, line: 15-20), a monomer (column: 2, line: 55-61; column: 3, line: 24-40), a polymer (column: 2, line: 35-54) and a solvent, wherein an amount of the solvent (acetone) is from 15 to 25 % by weight (column: 4, line: 1-10), and viscosity of the ink is from 200 cps to 800 cps (column: 4, line: 30-33). They also disclose that ink further including polymerization inhibitor (column: 4, line: 15-24). They also disclose that the carbon black or lamp black may be incorporated as a coloring pigment to match the color of the correction fluid, wherein coloring pigment is yellow oxide and raw amber (column: 4, line: 20-24).

5. Claims 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sharma et al. (# US 5480920).

Sharma et al. discloses a color filter, wherein a micro defect in a color pattern is corrected by filling with cured product of correction ink, including a coloring agent (column: 3, line: 40-60; column: 4, line: 15-20), a monomer (column: 2, line: 55-61; column: 3, line: 24-40), a polymer (column: 2, line: 35-54) and a solvent, wherein an amount of the solvent (acetone) is from 15 to 25 % by weight (column: 4, line: 1-10), and viscosity of the ink is from 200 cps to 800 cps (column: 4, line: 30-33). They also disclose that ink further including polymerization inhibitor (column: 4, line: 15-24). They also disclose that the carbon black or lamp black may be incorporated as a coloring

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pigment to match the color of the correction fluid, wherein coloring pigment is yellow oxide and raw amber (column: 4, line: 20-24).

6. Claims 1, 5-6 & 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Sanborn (# US 5925693).

Sanborn discloses a correction ink for micro defect of a color pattern including a coloring agent (column: 4, line: 34-60), a monomer (column: 3, line: 55-65), a polymer (column: 3, line: 25-55) and a solvent, wherein an amount of the solvent is from 25 to 70 % by weight (see Examples), and viscosity of the ink is from 300 cps to 1000 cps (column: 4, line: 25-30). They also disclose that ink further including polymerization inhibitor (see Examples). They also disclose that the carbon black or lamp black may be incorporated as a coloring pigment to match the color of the correction fluid, wherein coloring pigment is yellow, red, and brown (column: 3, line: 25-33).

7. Claims 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sanborn (# US 5925693).

Sanborn discloses a color filter, wherein a micro defect in a color pattern is corrected by filling with cured product of correction ink, including a coloring agent (column: 4, line: 34-60), a monomer (column: 3, line: 55-65), a polymer (column: 3, line: 25-55) and a solvent, wherein an amount of the solvent is from 25 to 70 % by weight (see Examples), and viscosity of the ink is from 300 cps to 1000 cps (column: 4, line: 25-30). They also disclose that ink further including polymerization inhibitor (see

Examples). They also disclose that the carbon black or lamp black may be incorporated as a coloring pigment to match the color of the correction fluid, wherein coloring pigment is yellow, red, and brown (column: 3, line: 25-33).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 4-6 & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over McHugh et al. (# US 5872162).

McHugh et al. discloses a correction ink for micro defect of a color pattern including a coloring agent (see Abstract; column: 4, line: 20-50), a monomer (column: 4, line: 55-65), a polymer (column: 5, line: 5-20) and a solvent, wherein an amount of the solvent is from 25 to 70 % by weight (see Examples), and viscosity of the ink is from 100 cps to 1000 cps (column: 4, line: 10-20). They also disclose that ink further including polymerization inhibitor (see Examples). They also disclose that the carbon black or lamp black may be incorporated as a coloring pigment to match the color of the correction fluid, wherein coloring pigment is yellow, red, and brown (column: 5, line: 40-55). They also disclose that the ink further includes the nonionic surfactant to lower the surface tension of the ink composition (column: 5, line: 55-65).

McHugh et al. differs from the claim of the present invention in that the static surface tension of the ink at 25 degree C is 20 mN/m to 45 mN/m.

It would have been obvious to one having ordinary skill in the art at the time of invention was made to incorporate the ink with the surface tension from 20 to 45 mN/m, since it has been held that it is not inventive to discovering and optimum value or workable ranges by routine experimentation. *In re Aller*, 105 USPQ 233 (CCPA1955).

Allowable Subject Matter

9. Claims 2-3, 7, 9 & 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

(1) With respect to claim 2, the τ value is 0.3 to 1.3, when γ value is 10 and τ value is 4.0 to 10.0 when γ value is 100.

(2) With respect to claim 3, the τ value is 0.3 to 10, when γ value is 10 to 100 having slope of 0.075 to 0.15 and degree of 0.8 to 1.1.

(3) With respect to claim 7, the correction ink having polymer, which is diallylphthalate prepolymer.

(4) With respect to claim 9, the optical density is 1.0 or more in the measuring wave range of 400 nm to 760 nm when a layer thickness at curing is less than 1.9 micrometer.

(5) With respect to claim 12, the difference in level between a corrected part by the ink and surrounding thereof is -3 to +5 micrometer.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manish S. Shah whose telephone number is (571) 272-2152. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manish S. Shah
Primary Examiner
Art Unit 2853


MSS
12/8/04